

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Kenneth Sumrall, et al.

v.

Civil No. 11-cv-403-LM

Breanna Smith, et al.

NOTICE OF RULING

Re: Document No. 11, Motion to Compel

Ruling: Granted in part; denied in part. A telephone conference with counsel occurred on today's date. Plaintiffs seek an authorization from Breanna Smith so plaintiffs may obtain Breanna's cell-phone records to determine whether she was texting or telephoning at the time of the accident in question. I grant the motion to the extent that it requests the cell-phone records for the limited time frame surrounding the time of the accident. Defendants' counsel is in the process of securing the records and will provide them, after redacting the portion of the records outside the time frame surrounding the accident. Defendants shall provide the records to plaintiffs within twenty (20) days from the date of this order. I deny the motion to the extent it seeks an authorization from Breanna and/or Denise Smith, as defendants' counsel is currently securing the records, and he is entitled to review them and redact irrelevant portions before providing them to plaintiffs. I further deny the motion to the extent it seeks information about all of Breanna's cell phone activity on October 9, 2009, the date of the accident.



Landya McCafferty
United States Magistrate Judge

Date: February 15, 2012

cc: Dennis T. Cucharme, Esq.
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Adam R. Mordecai, Esq.